## SED F001 Request for determining competence

This SED starts the business use case FB\_BUC\_01 to request information in order to determine the competence. The Case Owner can use it in various purposes and can be related to:

* Receipt of application of family benefits;
* Information about change in circumstances;
* Decision;
* Request for offsetting for family benefits according articles 72 and 73 of Regulation (EC) No 987/2009;
* Reimbursement according to article 58 of Regulation (EC) No 987/2009;
* Request for check or annual check between institutions of different Member States (by Minimum annual check competent Member States will check at least annually with the other Competent Member State for any possible changes in the circumstances. It is up to each Member States legislation or procedures whether it makes this check and/or how often this check is made.)

You fill in all of the available data relevant for the determination of competence. This information should enable the Counterparty(ies) to constitute or to update its own record.

In every case, you need to provide information on the 'Claimant' and 'Information on child(ren)'. First you indicate the purpose of the SED (more than one option is possible). Depending on the purpose(s) of this SED, you complete the relevant sections. In order to be able to use this SED as flexibly as possible, you have the option to request different periods of information simultaneously within the same SED (= repeatable sections). You can also make a distinction whether information is being requested or if the provided information is to be confirmed.

'Receipt of application for family benefits' section:
You should fill in this section when the purpose of the SED is 'Receipt of application for family benefits' or 'Information about change in circumstances'.
For the 'Date of receipt of the application', you mention the date on which the application of family benefits has been received. The date of application is not necessary if the purpose of the SED is Minimum Annual Check. If according to national legislation a claim is not needed e.g. the date of birth of the child could be the date of receipt of application. This same information is also contained in SED F002 for the case the replying Member State also has received an application either directly by the claimant or by transmission from the requesting Institution. These dates can be important in a conflict situation where a decision about provisional payment of benefits has to be made according to article 6(2) in Regulation (EC) No 987/2009 and the conflict concerns the residence of the child. In this situation the provisional payment should be made by the Member State who first received an application.
For 'Request for period of information', it is possible to request information of several periods with same SED simultaneously, to ease the type of situations when a change in the circumstances in the family situations may change even during the dealing with the Family benefit case.
The 'Points for which more information is needed' should be completed when 'Information on application' = 'Provide us with information in points', e.g. 'Amounts for benefits of the children' or 'Amounts of family benefit(s) for the entire family'.

'Information about change in circumstances' section:
You should fill in this section when the 'Type of claim' is 'Change in circumstances' for section 'Receipt of application for family benefits'.

'Additional request or information' section:
You can use this section to specify in free text any additional information which is either provided, requested or for which verification is required.

'Decision' section:
Only fill in this section when the purpose of the SED is 'Decision'. In this case, you inform about your decision on competence or provisional decision.
First you indicate whether the decision is regarding all children mentioned in this SED or not, and when not for all, you indicate the 'Child(ren) for whom this decision applies(y)'.
You can state the periods of competence involved, indicate the 'Type of decision', 'The reason for decision' and when needed specify 'Additional information'. Next you inform on Decisions on primary and/or secondary competence with article 68 of Regulation (EC) No 883/2004 and/or with article 58 of Regulation (EC) No 987/2009.

Note that Decision on primary competence can be sent after communication with another Member State(s) or if that institution, where the application is made, concludes that its legislation is applicable by priority right in accordance with Article 68(1) and (2) of the Regulation (EC) No 883/2004 or Article 58 of Regulation (EC) No 987/2009, it shall provide the family benefits according to the legislation it applies and make the decision about primary competence immediately and send this to another Member State.
If you are competent by priority right in accordance with Article 68(1) and (2) of the Regulation (EC) No 883/2004 and there is no entitlement to benefit according to its legislation, you should indicate that there is no 'Payment of benefit'. If you consider that you can make a decision of secondary competence for some period of time and a decision on primary competence for another period this can be done simultaneously in the same decision.

a) When the Institution, to which the application is made, concludes that its legislation is applicable, but not by priority right in accordance with Article 68(1) and (2) of Regulation (EC) No 883/2004, it shall take a provisional decision, without delay, on the priority rules to be applied. This means that the Member State where the claim is submitted considers that it must pay family benefits, but only differential supplement, if necessary, by secondary competence. The application and all relevant documents and provisional decision must be forwarded to the Member State concerned without delay.
If the Institution of the Member State where the application was made knows the amount of the benefits provided for in the legislation of the other Member State, the Member State can start to pay differential amount of its benefits and inform the Other Member State about these benefits. The other Member State will have 2 months to take a position on the provisional decision taken.
The communication will continue with the relevant SEDs depending whether an agreement is reached or not. If the Other Member State does not answer within 2 months then the provisional decision referred to above shall apply and the Institution shall pay the benefits provided for under its legislation and inform the Institution to which the application was made of the amount of benefits paid.

b) If the Member State(s) communicate with each other and they don't come to an agreement about priority, then the Member State where the children reside or if there is disagreement on the residence of the children, Member State where the application was first made will have to make a provisional decision according to article 6 (2) of Regulation (EC) No 987/2009 on the payment on benefits and will start paying the benefits provided under its legislation. In this case Member State (s) shall conclude that they have not reached an agreement and will have to communicate on how the case will be taken before the Administrative Commission.

As a last part of this SED, you can state in 'Content of decision' the grounds for your decision and information on benefits provided, and the 'Date of decision'

Claimant section:
You fill in the data concerning the person who is claiming or receiving the benefits. This can be the person who e.g. works in a Member State and therefore claims or receives benefits from that Member State for his/her child(ren) residing in another Member State. The claimant can also be the spouse/ partner/other person who resides with the children or child, but who can apply for family benefits directly from the Member State of employment. If the child is the claimant, fill in the information for the parent(s) or person(s) whose activity gives them entitlement to family benefit in section 8 Information on other person.
Fill in the necessary information for the claimant for the Counterparty. The town of birth is necessary for several Member States to identify the person without PIN. Therefore, the town of birth is a mandatory field if the person is not identified with PIN. If the town of birth is not known, explicitly write "unknown" in that field. If the person's family name at birth is different from the father's or mother's family name, then mention the father's or mother's family name at the person’s birth. The person may have had different types of addresses; if he or she has been employed outside of the country of residence, he or she may have had an address of stay e.g. the address in the country he or she was employed in.

State for the person whether there is 'Entitlement to family benefits' or not in your Member State and mention (if available) the dates of entitlement. If the person is not covered by social security in the sending Member State for 'Other reason', please explain the reason for the non-entitlement.
Specify the 'Family relationship of the claimant to spouse or other person'. When you indicate 'Other', please also explain the relationship. This can be e.g. widow to person or in case the child is the claimant the parent or person whose activity gives them entitlement to family benefit. You will have to add family name(s), forename(s). Mention starting/ending date of latest relationship if available. If you indicate that the claimant was a member of the same household as the person in question there is no need to repeat the address of that person.
Indicate the 'Status of the person' and fill the relevant information for the selected option. If the person has had any 'Periods of Employment' or 'Insurance periods' in your Member State, verify the period(s) and the start and end date of it, if available. If the period is a period of pension received verify the type of pension received and complete it in 'Periods of pension received in sending Member State.
If the person has residence period(s) verify it and mention the start and end date of it, if available in the section 'Grounds for residence'. This subsection is important if there is a dispute later about the residence of the person concerned. Explain the situation, if necessary, in the field 'Personal situation elements (article 11 of Regulation (EC) No 987/2009)'. Mention relevant details: the nature and the specific characteristics of any activity pursued, in particular the place where such activity is pursued, the stability of the activity, and the duration of any work contract; family status and family ties of the person concerned; the exercise of any non-remunerated activity; in the case of students, the source of their income; housing situation, in particular how permanent it is; the Member State in which the person is deemed to reside for taxation purposes.

'Information on spouse or partner', 'Information on other person', and 'Information on child(ren)' sections:
These are identical to the 'Claimant' section and you shall fill these in the same way if the information is relevant and forthcoming. Fill in the necessary information of the spouse/ partner/other person/child (ren) for the Counterparty. If the entire family is living together and it has been confirmed, there is no need to repeat the address of the person.

'Claiming authority' section:
Only complete this section if the child(ren) is(are) in care of an Authority, Organisation or Department which is claiming family benefit. Please specify the 'Reason for authority claim'.

'Amounts, names and currencies for family benefits of the Children' and 'Amounts of family benefit(s) for the entire family' sections:
Indicate the amount of benefits either per child or entire family.

'Request for offsetting of family benefit(s) for the entire family' and 'Request for offsetting of family benefits for children' section:
If you already know that you have overpaid benefits you complete this section. This might be the case when you have been made aware of a change in competence. State the amount of benefits requested to be offset either per child or the entire family. If there is more than one child or different kinds of family benefits, you can repeat this section.
Offsetting of unduly paid family benefits can be done with SEDs F001 and F002 according to article 72-74 of Regulation (EC) No 987/2009. Recovery of family benefits should be done with R-SEDs according to articles 75-78 Regulations of Regulation (EC) No 987/2009. For recovery cases please use the recovery SEDs, see [Recovery guidelines](../../Heidi-Recovery/Recovery_Sector_Overview.docx).

'Claim for reimbursement with article 58 of Regulation (EC) No 987/2009' section:
If the claim for reimbursement is made according to Article 58 of Regulation (EC) No 987/2009, then these grounds must be mentioned in the field 'Claim'.

It is possible to add attachments to F001.

In order to see the content and explanatory notes of the SED F001 please click [here.](Forms/F001_en.htm)